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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,738	11/01/2006	Takeshi Koda	8048-1179	1231
466 7590 05/12/2010 YOUNG & THOMPSON 209 Madison Street Suite 500 Alexandria, VA 22314				
EXAMINER SHEN, KEZHEN				
ART UNIT 2627		PAPER NUMBER		
NOTIFICATION DATE 05/12/2010		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DocketingDept@young-thompson.com

# Office Action Summary

## Application No.

10/590,738

## Applicant(s)

KODA ET AL.

## Examiner

Kezhen Shen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 6-9 and 11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-9 and 11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI.08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION*****Response to Arguments***

Applicant's arguments with respect to claim 6-9 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motohashi et al. US 2003/0202782 A1 and further in view of Thompson et al. US 2003/0112737 A1.

Regarding claim 6, Motohashi et al. teach an information recording apparatus comprising: a writing device capable of writing record information onto an information recording medium (1 of Fig. 1, [0079] – [0080]) comprising: first recording layer (2 of Fig. 1, [0081]); a first controlling device (13 of Fig. 1, [0084]) for controlling said writing device to write the record information into the first recording layer ([0086] CPU used to perform recording); a second controlling device (13 of Fig. 1, [0084]) for controlling said writing device to write a predetermined amount of buffer data on an outer circumferential side of the record information written in an area portion of the first recording layer at a specific location in writing ([0086], controls operations performed by the CPU,

Lead Out of Fig. 3, [0090], Buffer Zone of Fig. 5, S11 and S12 of Fig. 8, [0107]); and a third controlling device for controlling said writing device to add buffer data on an outer circumferential side of the predetermined amount of buffer data (13 of Fig. 1 [0086], Fig. 8, [0101] – [0108], 235 of Fig. 13, [0112] buffer zone may be added after the outer session). Motohashi et al. fail to teach a first controlling device for controlling said writing device to write the record information into second recording layers and a second controlling device for controlling said writing device to write a predetermined amount of buffer data on both of an outer circumferential side of the record information written in a area portion of the first recording layer at which the recording direction is turned-around and an outer circumferential side of the record information written in a area portion of second recording layers at which the recording direction is turned-around.

However, in the same field of endeavor, Thompson et al. teach a method of reading a dual-layer disc in an opposite track path fashion, further including a middle area which switch over point from other middle area of the first information layer to the second information layer is completed (Fig. 6, [0064]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of a recording a predetermined buffer on an outer circumferential side of the record information as taught by Motohashi et al. with the teachings of a dual-layer disc which includes a switch over point prior to a buffer zone area as taught by Thompson et al. to form a dual layer disc with predetermined area on an outer circumferential side of the first

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and second recording layer at which the recording direction is turned around for the benefit of a higher data capacity (Thompson et al. [0055]).

Regarding claim 7, Motohashi et al. teach the information recording apparatus according to claim 6, wherein said second controlling device (13 of Fig. 1, [0086]) responds to a first border close instruction after the record information is recorded over the first recording layer (Fig. 8 [0101] – [0108]). Motohashi et al. fail to teach a second recording layer.

However, in the same field of endeavor, Thompson et al. teach a method of reading a dual-layer disc (Fig. 6, [0064]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of an information recording apparatus as taught by Motohashi et al. with the teachings of a dual-layer disc as taught by Thompson et al. to form a dual layer disc for the benefit of a higher data capacity (Thompson et al. [0055]).

Regarding claim 8, Motohashi et al. teach the information recording apparatus according to claim 7, wherein said third controlling device responds to a finalize instruction (Fig. 8, [0101]).

Regarding claim 9, the limitations have been analyzed and rejected with respect to the reasons as set forth above in claim 6.

Regarding claim 11, Motohashi et al. teach the information recording apparatus according to claim 6, wherein said writing device includes a single pick-up device (4 of Fig. 1, [0080], [0082] pickup unit).

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kezhen Shen whose telephone number is (571) 270-1815. The examiner can normally be reached on Monday-Friday 10am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kezhen Shen/  
Examiner, Art Unit 2627

/Joseph H. Feild/  
Supervisory Patent Examiner, Art  
Unit 2627